

AMENDED IN SENATE APRIL 17, 2012

SENATE BILL

No. 1123

Introduced by Senator De León

February 17, 2012

An act to amend ~~Section~~ Sections 4461, 22511.5, 22511.55, and 22511.6 of the ~~Education~~ Vehicle Code, relating to ~~parking~~ vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1123, as amended, De León. ~~Distinguishing placards: renewal.~~
Vehicles: disabled persons or disabled veterans: parking placards.

(1) Existing law prohibits a person to whom a disabled person placard has been issued from knowingly permitting the use of the placard for parking purposes by one not entitled to the use of the placard. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked. Existing law provides that a violation of these provisions is punishable as either an infraction or a misdemeanor.

This bill would additionally suspend the driver's license of the person who violates the above-described provisions for 30 days and would require that the person whose disabled parking placard was the subject of a violation under the above provisions pay a civil penalty of \$100 upon his or her reapplication for a disabled person placard.

(2) Existing law permits a disabled person or disabled veteran displaying special license plates or a distinguishing placard to park for unlimited periods in any metered parking space without being required to pay parking meter fees.

This bill would authorize a local jurisdiction that installs parking meters that provide the option to park and pay for 10 hours or more to require a disabled person or disabled veteran and pay parking meter

fees for the entire time that the vehicle occupies that type of parking space. The bill would require the local jurisdiction to ensure the installed parking meters are in compliance with the federal Americans with Disabilities Act of 1990.

Existing

(3) Existing law authorizes the Department of Motor Vehicles to issue and renew distinguishing placards to disabled persons or disabled veterans to be used for parking purposes, as described. Prior to issuing an original distinguishing placard, existing law requires the submission of a certificate, signed by an authorized health care professional, providing a full description substantiating the applicant's disability, unless the disability is readily observable and uncontested. Existing law authorizes the department to require any application or document filed with the department to be signed and submitted under penalty of perjury.

This bill would additionally require ~~that~~ the submission of that certificate prior to renewing a distinguishing placard and would require that certificate to be signed under penalty of perjury. The bill would impose a \$100 civil penalty upon the reapplication for a placard by a person who fails to notify the department of a lost or stolen placard within 10 days of the date that the placard was lost or stolen. The bill would also require the department to print on the placard the penalties to which the owner of the placard or any person who unlawfully uses the placard would be subject.

(4) Existing law authorizes the Department of Motor Vehicles to cancel or revoke a distinguishing placard under any of 5 enumerated circumstances, including, when the department is satisfied that the placard was fraudulently obtained or erroneously issued.

This bill would instead require the department to cancel or revoke the placard under any of these 5 circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4461 of the Vehicle Code is amended to
- 2 read:
- 3 4461. (a) A person shall not lend a certificate of ownership,
- 4 registration card, license plate, special plate, validation tab, or
- 5 permit issued to him or her if the person desiring to borrow it would

1 not be entitled to its use, and a person shall not knowingly permit
2 its use by one not entitled to it.

3 (b) A person to whom a disabled person placard has been issued
4 shall not lend the placard to another person, and a disabled person
5 shall not knowingly permit the use for parking purposes of the
6 placard or identification license plate issued pursuant to Section
7 5007 by one not entitled to it. A person to whom a disabled person
8 placard has been issued may permit another person to use the
9 placard only while in the presence or reasonable proximity of the
10 disabled person for the purpose of transporting the disabled person.
11 A violation of this subdivision is subject to the issuance of a notice
12 of parking violation imposing a civil penalty of not less than two
13 hundred fifty dollars (\$250) and not more than one thousand dollars
14 (\$1,000), for which enforcement shall be governed by the
15 procedures set forth in Article 3 (commencing with Section 40200)
16 of Chapter 1 of Division 17 or is a misdemeanor punishable by a
17 fine of not less than two hundred fifty dollars (\$250) and not more
18 than one thousand dollars (\$1,000), imprisonment in the county
19 jail for not more than six months, or both that fine and
20 imprisonment.

21 (c) Except for the purpose of transporting a disabled person as
22 specified in subdivision (b), a person shall not display a disabled
23 person placard that was not issued to him or her or that has been
24 canceled or revoked pursuant to Section 22511.6. A violation of
25 this subdivision is subject to the issuance of a notice of parking
26 violation imposing a civil penalty of not less than two hundred
27 fifty dollars (\$250) and not more than one thousand dollars
28 (\$1,000), for which enforcement shall be governed by the
29 procedures set forth in Article 3 (commencing with Section 40200)
30 of Chapter 1 of Division 17 or is a misdemeanor punishable by a
31 fine of not less than two hundred fifty dollars (\$250) and not more
32 than one thousand dollars (\$1,000), imprisonment in the county
33 jail for not more than six months, or both that fine and
34 imprisonment.

35 (d) Notwithstanding subdivisions (a), (b), and (c), a person using
36 a vehicle displaying a special identification license plate issued to
37 another pursuant to Section 5007 shall not park in those parking
38 stalls or spaces designated for disabled persons pursuant to Section
39 22511.7 or 22511.8, unless transporting a disabled person. A
40 violation of this subdivision is subject to the issuance of a notice

1 of parking violation imposing a civil penalty of not less than two
2 hundred fifty dollars (\$250) and not more than one thousand dollars
3 (\$1,000), for which enforcement shall be governed by the
4 procedures set forth in Article 3 (commencing with Section 40200)
5 of Chapter 1 of Division 17 or is a misdemeanor punishable by a
6 fine of not less than two hundred fifty dollars (\$250) and not more
7 than one thousand dollars (\$1,000), imprisonment in the county
8 jail for not more than six months, or both that fine and
9 imprisonment.

10 (e) *A person who violates subdivision (b) or (c) shall have his*
11 *or her driver's license suspended for 30 days.*

12 ~~(e)~~

13 (f) For the purposes of subdivisions (b) and (c), “disabled person
14 placard” means a placard issued pursuant to Section 22511.55 or
15 22511.59.

16 SEC. 2. *Section 22511.5 of the Vehicle Code is amended to*
17 *read:*

18 22511.5. (a) (1) A disabled person or disabled veteran
19 displaying special license plates issued under Section 5007 or a
20 distinguishing placard issued under Section 22511.55 or 22511.59
21 is allowed to park for unlimited periods in any of the following
22 zones:

23 (A) In any restricted zone described in paragraph (5) of
24 subdivision (a) of Section 21458 or on streets upon which
25 preferential parking privileges and height limits have been given
26 pursuant to Section 22507.

27 (B) In any parking zone that is restricted as to the length of time
28 parking is permitted as indicated by a sign erected pursuant to a
29 local ordinance.

30 (2) ~~A~~(A) *Except as provided in subparagraph (B), a disabled*
31 *person or disabled veteran is allowed to park in any metered*
32 *parking space without being required to pay parking meter fees.*

33 (B) (i) *If a local jurisdiction has installed parking meters that*
34 *provide the option to park and pay for 10 hours or more of parking,*
35 *the local jurisdiction may require a disabled person or disabled*
36 *veteran to pay parking meter fees for the entire time that the vehicle*
37 *occupies the parking space if the parking space has signage giving*
38 *notice of this requirement.*

39 (ii) *The local jurisdiction shall ensure that the installed parking*
40 *meters are in compliance with the federal Americans with*

Disabilities Act of 1990 (42 U.S.C. Sec. 12111 et seq.), including, but not limited to, a meter height that is appropriate for wheelchair users and mid-curb cuts for wheelchairs.

(3) This subdivision does not apply to a zone for which state law or ordinance absolutely prohibits stopping, parking, or standing of all vehicles; or ~~which~~ *that* the law or ordinance reserves for special types of vehicles, or to the parking of a vehicle that is involved in the operation of a street vending business.

(b) A disabled person or disabled veteran is allowed to park a motor vehicle displaying a special disabled person license plate or placard issued by a foreign jurisdiction with the same parking privileges authorized in this code for any motor vehicle displaying a special license plate or a distinguishing placard issued by the Department of Motor Vehicles.

SECTION 1.

SEC. 3. Section 22511.55 of the Vehicle Code is amended to read:

22511.55. (a) (1) (A) A disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special license plate or plates issued under Section 5007 for parking purposes described in Section 22511.5 ~~when (A) suspended~~ *if it is displayed in one of the following ways:*

(i) *Suspended* from the rearview mirror, ~~(B) if:~~

(ii) *If* there is no rearview mirror, ~~when~~ displayed on the dashboard of a vehicle, ~~or (C) inserted.~~

(iii) *Inserted* in a clip designated for a distinguishing placard and installed by the manufacturer on the driver's side of the front window. ~~It~~

(B) *It* is the intent of the Legislature to encourage the use of distinguishing placards because they provide law enforcement officers with a more readily recognizable symbol for distinguishing vehicles qualified for the parking privilege. ~~The~~

(C) *The* placard shall be the size, shape, and color determined by the department and shall bear the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641, commonly known as the "wheelchair symbol." ~~The~~

(D) *The* department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful

1 use of a placard, into the identification card issued to the placard
2 owner.

3 (2) (A) The department may establish procedures for the
4 issuance and renewal of the placards. The procedures shall include,
5 but are not limited to, advising an applicant in writing on the
6 application for a placard of the procedure to apply for a special
7 license plate or plates, as described in Section 5007, and the fee
8 exemptions established pursuant to Section 9105 and in subdivision
9 (a) of Section 10783 of the Revenue and Taxation Code. The
10 placards shall have a fixed expiration date of June 30 every two
11 years. A portion of the placard shall be printed in a contrasting
12 color that shall be changed every two years. The size and color of
13 this contrasting portion of the placard shall be large and distinctive
14 enough to be readily identifiable by a law enforcement officer in
15 a passing vehicle.

16 (B) As used in this section, “year” means the period between
17 the inclusive dates of July 1 through June 30.

18 (C) Prior to the end of each year, the department shall, for the
19 most current three years available, compare its record of disability
20 placards issued against the records of the Office of Vital Records
21 of the State Department of Public Health, or its successor, and
22 withhold any renewal notices that otherwise would have been sent
23 for a placardholder identified as deceased.

24 (3) Except as provided in paragraph (4), a person shall not be
25 eligible for more than one placard at a time.

26 (4) Organizations and agencies involved in the transportation
27 of disabled persons or disabled veterans may apply for a placard
28 for each vehicle used for the purpose of transporting disabled
29 persons or disabled veterans.

30 (b) (1) Except as provided in paragraph (4), prior to issuing an
31 original distinguishing placard to, or renewing that placard for, a
32 disabled person or disabled veteran, the department shall require
33 the submission of a certificate, in accordance with paragraph (2),
34 signed by ~~the~~ a physician and surgeon, or to the extent that it does
35 not cause a reduction in the receipt of federal aid highway funds,
36 by a nurse practitioner, certified nurse midwife, or physician
37 assistant, substantiating the disability, unless the applicant’s
38 disability is readily observable and uncontested. The disability of
39 a person who has lost, or has lost use of, one or more lower
40 extremities or one hand, for a disabled veteran, or both hands, for

1 a disabled person, or who has significant limitation in the use of
2 lower extremities, may also be certified by a licensed chiropractor.
3 The blindness of an applicant shall be certified by a licensed
4 physician and surgeon who specializes in diseases of the eye or a
5 licensed optometrist. The physician and surgeon, nurse practitioner,
6 certified nurse midwife, physician assistant, chiropractor, or
7 optometrist certifying the qualifying disability shall provide a full
8 description of the illness or disability on the form submitted to the
9 department.

10 (2) The physician and surgeon, nurse practitioner, certified nurse
11 midwife, physician assistant, chiropractor, or optometrist who
12 signs a certificate submitted under this subdivision shall retain
13 information sufficient to substantiate that certificate and, upon
14 request of the department, shall make that information available
15 for inspection by the Medical Board of California or the appropriate
16 regulatory board.

17 (3) *The applicant and any other person required to sign the*
18 *certificate submitted pursuant to paragraphs (1) and (2) shall sign*
19 *under penalty of perjury.*

20 ~~(3)~~

21 (4) The department shall maintain in its records all information
22 on an applicant's certification of permanent disability and shall
23 make that information available to eligible law enforcement or
24 parking control agencies upon a request pursuant to Section
25 22511.58.

26 ~~(4)~~

27 (5) For a disabled veteran, the department shall accept, in lieu
28 of the certificate described in paragraph (1), a certificate from the
29 United States Department of Veterans Affairs that certifies that
30 the applicant is a disabled veteran as described in Section 295.7.

31 (c) A person who is issued a distinguishing placard pursuant to
32 subdivision (a) may apply to the department for a substitute placard
33 without recertification of eligibility, if that placard is lost or stolen
34 *and the person has notified the department in writing or by means*
35 *of its Internet Web site within 10 days of the date that the placard*
36 *was lost or stolen.*

37 (d) The distinguishing placard shall be returned to the
38 department not later than 60 days after the death of the disabled
39 person or disabled veteran to whom the placard was issued.

(e) The department shall print on any distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461 *on the person who owns the placard or any person who unlawfully uses the placard*. For purposes of this subdivision, the “maximum penalty” ~~is the~~ *includes the suspension of the person’s driver’s license for 30 days for a violation of subdivision (b) or (c) of Section 4461 and a penalty amount derived from adding all of the following:*

(1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

SEC. 4. Section 22511.6 of the Vehicle Code is amended to read:

22511.6. (a) The Department of Motor Vehicles ~~may~~ *shall* cancel or revoke a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 ~~in any of the following events if any of the following occurs:~~

(1) When the department is satisfied that the placard was fraudulently obtained or erroneously issued.

(2) When the department determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand.

(3) When the placard could have been refused when last issued or renewed.

(4) When the department determines that the owner of the placard has committed any offense described in Section 4461 or 4463, involving the placard to be canceled or revoked.

(5) When the department determines that the owner of the placard is deceased.

(b) ~~Whenever~~ *When* the Department of Motor Vehicles cancels or revokes a distinguishing placard, the owner or person in

- 1 possession of the placard shall immediately return the placard to
- 2 the department.

O